

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, and 23 are pending in this application. Claims 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24-79 are canceled without prejudice or disclaimer and Claim 1 is amended by the present amendment.

In the outstanding Office Action, Claims 1 and 79 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 6,563,318 to Kawakami et al. (herein “Kawakami”); and Claim 79 was indicated as allowable if rewritten to overcome the rejection under § 112, second paragraph, and to include the limitations of the base claim.

Initially, Applicants gratefully acknowledge the indication of allowable subject matter in Claim 79. Accordingly, independent Claim 1 is amended to recite all the features of allowable Claim 79.

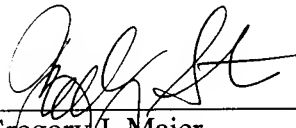
Further, regarding the rejection of Claims 1 and 79 under 35 U.S.C. § 112, second paragraph, Claim 1 is amended to recite “in respect of battery internal and outside surface temperatures.” Accordingly, the outside surface temperature refers to the temperature of an outside surface of the cycle test battery. Therefore, Applicants respectfully request the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

Accordingly, Applicants respectfully submit that independent Claim 1 and claims depending therefrom are allowable.

Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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